

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROGELIO ROSA,

Plaintiff,

-v-

ROSEN PARAMOUNT GLASS CO., INC. AND
STANLEY ROSEN,

Defendants.
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USDC SDNY
DOCUMENT
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DOC #: _____
DATE FILED: DEC 21 2012

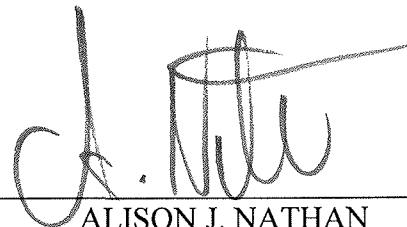
11 Civ. 02123 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On October 12, 2012, the magistrate judge to whom this case has been referred for general pretrial management issued a report and recommendation that the case be dismissed for failure to prosecute. In short, the magistrate judge set a September 14, 2012, date by which Plaintiff was to appear by new counsel or appear *pro se*. Plaintiff has done neither and, indeed, has not responded in any way to the report and recommendation that the case be dismissed for failure to prosecute under Rule 41(b). *See Harding v. Goord*, 135 Fed. Appx. 488, at *2 (2d Cir. 2005) (noting that, although explicitly authorized by the text of the rule, district courts have the authority to dismiss cases *sua sponte* for failure to prosecute under Rule 41(b)). The Court therefore adopts the report and recommendation. This case is dismissed for failure to prosecute.

Dated: December 21, 2012
New York, New York



ALISON J. NATHAN
United States District Judge